

May 14, 1973

talked about LB 311 and 311A and the testimony shows here, the transcript, that you have statement regarding getting an Attorney General's opinion. On April the 18th you're quoted as saying, first of all we passed the motion, Senator Stull's motion that said we will pass no A bills that have general fund impact and we will have no other bills that have impact whether they have an A bill or not. A little bit later it's re--it's restated and you asked unanimous consent to pass over on final reading any bill which has impact or potential impact on the general fund. Now I've got to be quite honest, Senator Marvel and for--the entire body really, I don't know upon what determination some of these bills we've already taken up. In my mind some of them have already had fiscal impact and I think we've kind of circumvented our own, our own decision here at times but as far as Senator Lewis' bill this morning, 445A, I don't see any way that we can take that and I believe in the bill Senator Lewis, believe me I do, but I think we should be consistent again. Now Senator Marvel, if you would, would you explain to me and possibly enlighten some other people; have you gotten an opinion from the Attorney General regarding this matter and if so, just what is the posture regarding--are we talking merely about A bills or are we not, in my opinion, talking about bills with "fiscal impact" on the general fund for not only this year but years down the road?

PRESIDENT: Senator Marvel, do you care to respond?

SENATOR MARVEL: There are two other legislators that are involved in this discussion, I've got to talk over and so I'll give you my impression, if this doesn't answer your question why you holler. Excuse me, you ask me another one, I'm sorry. The Attorney General and his staff have indicated this as far as I'm concerned. If you pass a bill like 311 which indicates public policy and you do not pass specifically an A bill which appropriates money and appropriates it to a certain agency and state to that agency that they must notify the State Board of Equalization, there is no basic commitment of funds. Now, let me, let me reword it another way. If we set public policy in a piece of legislation and we do not direct a certain agency, if we do not appropriate a specific amount of money to an agency which then is directed specifically to go to the State Board of Equalization and say to the State Board; here is the authorization from the Legislature, now you got to figure this when you figure the, the new sales income tax for the next year. If we do not do this specifically, there is no legal obligation on the part of the State to appropriate money even if we establish public policy as far as that's concerned so in case with Senator Lewis' bill 445, we can state public policy but if the language is not specific, then there is no money appropriated as I understood the Attorney General. Now do you want to come back to me, I'm not sure I've answered your question.

SENATOR SNYDER: No, I'll, I'll sit down. I would like to speak with you personally about the statements in here and see if I can't--because throughout this testimony, Mr. President and Members of the Legislature, I for one was under the premise that we were talking about fiscal impact. Now I know there's a lot of people talk about A bills only but the transcript as I have reviewed it with the help of some people from our staff, many many times it deals with the term "fiscal impact" and even in a couple of motions we had the term "fiscal impact" and I for one contend that this term "fiscal impact" doesn't just mean for the upcoming budget, it means for action down the road, that we are obligating for money to be spent down the road be it next year.